IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 6045 of 1993

Between:

Venkata Rajulu S/o.Late Appalaswamy
R/o.Chalavathota Visakhapatnam Port Trust
Visakhapatnam.

Occ: Checker in the office of EE(M-II/AE(SSN)

Division, Visakhapatnam.

..... PETITIONER

AND

1 The Chairman Visakhapatnam Port Trust
Visakhapatnam.
2 The Chief Engineer Visakhapatnam Port Trust
Visakhapatnam.
3 Mr.C.Benjamin Ex-Engineer (Works-I)
Enquiry Officer Visakhapatnam Port Trust
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus calling for the records for the records relating to the order No.E/PC/2465/30 dated 8-6-1992 from the office of the 2nd respondent herein appointing Shri C. Benjamin, E.E.(W)-I as Inquiry Officer to inquire into the charges framed against the petitioner and declare the same as illegal, arbitrary, null and void as the same is foisted as counter blast case of C.C.No.146/92 on the file of the III M.M. Vizag, and pass such other order or orders.

Counsel for the Petitioner: MR.M.KESAVA RAO

Counsel for the Respondent No.1 to 3: Mr K. Srinivasa Murthy

The Court made the following:

ORDER:

This Writ Petition is filed challenging the appointment of Enquiry Officer made by the Respondent No.2 in order No.E/PC/2465/30 dated 08.06.1992.

The learned counsel for the petitioner submits that the very framing of charges itself are misconceived, inasmuch as an employee transferred from one region to another region is entitled to carry the furniture along with him and hence, the appointment of the Enquiry Officer is liable to be set aside.

I am afraid I cannot accept this contention. It is always open for the petitioner to place information and the material before the Enquiry Officer who will consider the same and pass appropriate orders. This cannot be interdicted under Article 226 of the Constitution of India.

Accordingly, this Writ Petition is dismissed. The Enquiry Officer shall Proceed with the enquiry and complete the same within a period of two months from the date of receipt of a copy of this order.

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15-07-2004

To

1 The Chairman Visakhapatnam Port Trust
Visakhapatnam.
2 The Chief Engineer Visakhapatnam Port Trust
Visakhapatnam.

3. Enquiry Officer Visakhapatnam Port Trust
Visakhapatnam.

3. 2 CCs

kvrm/ka